statutory cause of action covering the case, but federal law did create a cause of action *if the government were the defendant*. *Id.* at 2370 n.4. The Court affirmed the lower courts' finding of federal question jurisdiction over the suit between private parties, emphasizing the "'federal interest at stake'" and particularly that "[t]he Government had a strong interest" in the case. *Id.* at 2367, 2370 (quoting *Merrell Dow Pharms., Inc. v. Thompson*, 478 U.S. 804, 814 n.12 (1986)).

Respondent's real complaint in opposing certiorari is that she believes it would have been simpler and cheaper to resolve the federal issues in a state forum, such as "in Surrogates' Court." Br. in Opp. at 1 n.1. Respondent ignores the benefit created by federal adjudication – namely, as noted in *Grable*, "the experience, solicitude, and hope of uniformity that a federal forum offers on federal issues." *Grable*, 125 S. Ct. at 2367. Empire is the master of its complaint, and it was entitled to bring the case in federal court, where a uniform body of federal common law could develop and govern.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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